



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,174	09/27/2001	Mikihiro Gau	14948	3942
23389	7590	07/03/2007	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC			CASLER, TRACI	
400 GARDEN CITY PLAZA			ART UNIT	PAPER NUMBER
SUITE 300			3629	
GARDEN CITY, NY 11530				
MAIL DATE		DELIVERY MODE		
07/03/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/965,174	GAU ET AL.
	Examiner	Art Unit
	Traci L. Casler	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 March 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

This action is in response to papers filed on March 26, 2007.

Claims 7-12 are pending.

Claims 7 and 9-12 are amended.

Claims 7-12 are rejected.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 2002/0133387 Wilson et al; Systems and Methods for End-to-End Fulfillment and Supply Chain Management. Hereinafter referred to as Wilson.

3. As to claim 7 Wilson teaches entering user information in the form of Client id(who), client location(to whom), item(what), delivery date(when) and **customers geographic region, shipping terms(how to deliver the demand)** (Pg. 5 ¶41) and cost based on type of deliver(PG. 8 ¶ 61).

Wilson further teaches populating supply information based off of the demand information that was entered(Pg. ¶ 46).

Wilson creates multiple scenarios in which the demand information can be supplied to the user(Pg. 7 ¶ 50)

Wilson identifies the most efficient process for getting the user the needed items and processes the order according the best process(Pg. 7 ¶ 51).

4. As to claims 9-12 Wilson teaches entering user information in the form of Client id(who), client location(to whom), item(what), delivery date(when) and **customers geographic region, shipping terms(how to deliver the demand)** (Pg. 5 ¶41) and cost based on type of deliver(PG. 8 ¶ 61).

Wilson further teaches populating supply information based off of the demand information that was entered(Pg. ¶ 46).

Wilson creates multiple scenarios in which the demand information can be supplied to the user(Pg. 7 ¶ 50)

Wilson identifies the most efficient process for getting the user the needed items and processes the order according the best process(Pg. 7 ¶ 51).

**The customers geographical location and shipping terms are used to determine if a warehouse can make a promise to complete the order when on-time(Pg. 6 ¶ 46; g. 5 ¶ 41)**

5. As to claim 8 Wilson identifies the most efficient process for getting the user the needed items and processes the order according the best process(Pg. 7 ¶ 51). AND

Wilson teaches user defined accommodations that determine the flow and process of business(PG. 2 ¶ 13, Pg. 4 ¶ 35)

***Response to Arguments***

1. Applicant's arguments filed March 26, 20067 have been fully considered but they are not persuasive.

2. Applicant argues that Wilson does not teach the supply sequence being a result of the "1H" information, that applicant has amended. The applicant points to Pg. 6 l. 27- Pg. 7 l. 5 for support of this limitation. This portion of the specification states that when the demand "creator" changes and the details for "how to" change the process changes. The examiners notes that Wilson teaches the client/customer submitting information regarding shipping terms and their geographic location. Thus, when at client/customer's geographic location and shipping terms are different the supply-promise to deliver the order will change based on the ability of the warehouses to meet the demands of the location and shipping terms of the client customer.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

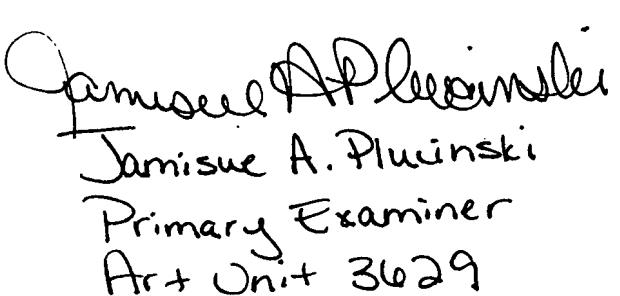
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLG  


Jamisue A. Pluinski  
Primary Examiner  
Art Unit 3629